THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.20614 of 2005

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Dated: 17.04.2006

Between:

G. Sivakoteswara Rao, C/o Gunnam (Reddy) Laxmi,

H.No.23/1250, Akkannavari Street, Patheganpet, Nellore District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Vice Chairman and Managing Director,

Musheerabad, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.20614 of 2005

Order:

This writ petition is filed seeking a Mandamus declaring the proceedings No.E1/807 (24)/2004-NLR.2, dated 06.08.2005 as illegal and arbitrary and for consequential direction to the respondents to continue and regularize the services of the petitioner

from the date of his initial appointment with all consequential benefits.

The case of the petitioner is that on 26.11.2002 he was engaged as Trimmer at Nellore-II Depot on contract basis for an amount of Rs.1500/- per month. The petitioner made a representation on 20.01.2005 requesting the respondent-Corporation to absorb him in the post of Trimmer or in any other suitable post. The respondents instead of regularizing his services in the post of Trimmer disengaged his services with effect from 31.05.2005. Thereupon, the petitioner made another representation to respondent No.2 on 29.06.2005 requesting to continue him in service and consequently sought for absorption in the Corporation, which, by order impugned in this writ petition, was rejected. Assailing the said rejection order, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

A perusal of the impugned letter dated 06.08.2005 issued by the Depot Manager, Nellore, clearly shows that the petitioner was allotted Trimming work at Nellore-II Depot on contract basis up to 31.05.2005 and the said contract was withdrawn from 01.06.2005, and the petitioner has no right to apply for Trimmer post in APSRTC, Nellore region. But, the case of the petitioner is that he is a regular casual employee and he is entitled for regularization of his services as Trimmer. Whether the petitioner is a regular employee of the respondent-Corporation or whether he is a contract worker are all disputed questions of facts, which cannot be gone into in exercise of jurisdiction under Article 226 of the Constitution of India, and they are all matters to be decided after conducting a trial before the appropriate Labour Court. The petitioner has an alternative remedy to approach the Labour Court with relevant material.

In the circumstances, the writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 17.04.2006

Nsr/Ksr